INVESTIGATIVE SUMMARY

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USE OF FORCE - TASER-CAROTID RESTRAINT
IAB CASE NUMBER FO2220443
URN NUMBER 408-01555-0773-058

On May 19, 2008, at approximately 1430 hours, Altadena Station deputies responded to a family disturbance call and were involved in a use of force while attempting to arrest one of the parties for terrorist threats. At the conclusion of the use of force, it was discovered that the Suspect was in cardiac arrest and he was hospitalized.

Deputies Roseborough and Wengert were working unit 71A, PM Shift, when they received a family disturbance call at [redacted] East Las Flores, in the city of Altadena. The deputies were assisted by Deputies Covian and Gathright, unit 73, and Deputies De La Riva and Reedy, unit 71.

Deputies Roseborough, Covian and De La Riva were all Patrol trained deputies and Deputies Wengert, Gathright, and Reedy were in the process of "patrol training."

Upon their arrival all the deputies contacted the father of Suspect Herod who said Suspect Herod had threatened to kill him. The father told the deputies that Suspect Herod was now in the rear house of the location. The deputies went to the rear house to contact Suspect Herod and arrest him for terrorist threats. They knocked on the door. Suspect Herod answered the door and Deputy Roseborough asked him to step outside. Suspect Herod refused to exit and told the deputies, "If you want to talk to me you gotta come inside." The deputies then entered the location.

Suspect Herod retreated to the couch and stood on top of it. Deputies Roseborough and Wengert tried to grab a hold of Suspect Herod and take him to the ground, but he pulled away and began pushing and kicking at the deputies. At that time, Deputy Gathright sprayed Suspect Herod with his OC spray in an attempt to make him cease his resistance. This had no effect. Deputies Gathright, Covian, and Wengert then grabbed hold of Suspect Herod and took him to the floor, where he continued to kick and flail at the deputies. Deputy Reedy who had returned to the car to obtain a Taser, returned and gave it to Deputy Roseborough who Tased Suspect Herod. The Taser had no effect. Deputies Gathright, Covian and Wengert continued to struggle with Suspect Herod who was now pushing himself off the floor and, in doing so, was also lifting the deputies. At this time, Deputy Wengert applied a carotid restraint to Suspect Herod. Unbeknownst to him, simultaneously, Deputy Roseborough applied a second burst from the Taser. Suspect Herod ceased his resistance and was then handcuffed.

Shortly after he was handcuffed, the deputies noticed that Suspect Herod was not breathing and had no pulse. They summoned medical aid and began cardiopulmonary resuscitation (CPR). Suspect Herod was transported to Huntington Memorial Hospital where he was treated by Doctor Larson. Suspect Herod was revived and is listed in stable condition. Subsequently, Suspect Herod was given an "Okay" to book and was release from Huntington Memorial Hospital emergency room by Doctor William Coburn.

Several items of drug paraphernalia were found inside the rear house. One item found was a pipe, which was still warm to the touch.

The following summary of this incident is based on information obtained from reports, involved deputies and witness interviews, along with other documents regarding Altadena Station file number 408-01555-0773-058 (**Exhibits A through E**).

INVOLVED PERSONNEL

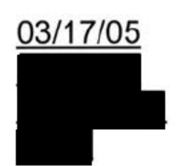
ROSEBOROUGH, Shauna, Deputy Sheriff, [redacted]
Field Operations Region I
Altadena Station

Work History

Date of Employment	09/14/00
Date Assigned to Patrol	 [redacted]
Date Completed Patrol Training	
Prior Founded Force Incidents	

GATHRIGHT, Demetrius, Deputy Sheriff,  [redacted]
Field Operations Region I
Altadena Station

Work History

Date of Employment	03/17/05
Date Assigned to Patrol	 [redacted]
Date Completed Patrol Training	
Prior Founded Force Incidents	

WENGERT, Scott, Deputy Sheriff, #[redacted]
Field Operations Region I
Altadena Station

Work History

Date of Employment 04/19/01
Date Assigned to Patrol [redacted]
Date Completed Patrol Training
Prior Founded Force Incidents

COVIAN, Alejandro, Deputy Sheriff, # [redacted]
Field Operations Region I
Altadena Station

Work History

Date of Employment 04/13/00
Date Assigned to Patrol [redacted]
Date Completed Patrol Training
Prior Founded Force Incidents

DE LA RIVA, Marcos, Deputy Sheriff, [redacted]
Field Operations Region I
Altadena Station

Work History

Date of Employment 04/12/95
Date Assigned to Patrol [redacted]
Date Completed Patrol Training
Prior Founded Force Incidents

SUBJECT

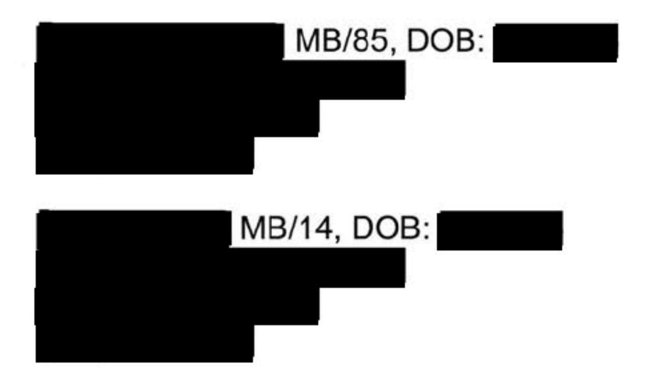
HEROD, Crisantos, MB/41, DOB: 10/08/66, Booking #1478616
[redacted]

Suspect Herod's criminal history [redacted] Refer to **Exhibit "A"** for further information.

SWORN WITNESSES

REEDY, Stacie, Deputy Sheriff, [redacted]

CIVILIAN WITNESSES



[redacted] MB/85, DOB: [redacted]

[redacted]

[redacted] MB/14, DOB: [redacted]

[redacted]

INJURIES

Suspect Herod apparently suffered "cardiac arrest" after he was Tased and, while, simultaneously, a Carotid Restraint technique was being applied. Suspect Herod also suffered a small chip fracture to his left elbow. Suspect Herod was given an "Okay" to book and was released from Huntington Hospital emergency room by Doctor William Coburn on 05/19/08.

PHYSICAL EVIDENCE

None.

INVESTIGATOR OBSERVATIONS

IAB Investigator responded to the scene and took daytime photographs.

WEAPONS USED BY DEPUTY PERSONNEL

Deputy Roseborough: Takedown, Taser, Control Hold

Deputy Gathright: Takedown, OC Spray, Control Hold

Deputy Wengert: Takedown, Fist, Carotid Restraint

Deputy Covian: Takedown, Control Hold

Deputy De La Riva: Handcuffing

WEAPONS USED BY THE SUSPECT

Resistive

Assaultive: Feet/Head

PROPERTY DAMAGE

None.

CRIMINAL INVESTIGATOR/CHARGES FILED

Investigator: Altadena Detective Ronald Hernandez filed one count each of 69 P.C., 422 P.C., and 136.1(b)1 P.C. at Pasadena Superior under case number, 8PS67534. The case is set for trial on 09/08/08 in Department "N."

LIGHTING AND WEATHER CONDITIONS

The incident occurred during day time hours and inside a small living room. The weather condition was clear and warm.

INVOLVED EMPLOYEE STATEMENTS

ROSEBOROUGH, Shauna

Deputy Roseborough was interviewed on Monday, May 19, 2008, at approximately 1840 hours by Internal Affairs Bureau Sergeants David Bly and Carlos Flores at Altadena Station. The interview was tape recorded. The following is a summary of that interview.

Deputy Roseborough said she was working unit 71A with her partner, Deputy Scott Wengert when they received a priority 415 Family call at [redacted] East Las Flores Drive. She said Deputies Alejandro Covian and Demetrius Gathright (Unit 73), Deputies Marcos De La Riva and Stacie Reedy (Unit 71) assisted them at the location.

Deputy Roseborough said they all met [redacted] MB/85 in front of the location. [redacted] told them he and his wife live in the front house and his son, Crisantos Herod MB/41 (Suspect), lives in a small rear house with his son, [redacted] MB/14. She said [redacted] told them he and Suspect Herod have had several arguments, specifically, today about parking his vehicle in the driveway. [redacted] told them Suspect Herod takes medication, but did not tell them what the medication was. Deputy Roseborough said she believed [redacted] told them Suspect Herod took medication for a Bi-Polar condition or a heart condition, or "something I'm not sure what." [redacted] said he had

closed and locked the gate located at the entrance of the driveway so the Suspect would have to park on the street. Deputy Roseborough said [redacted] told them he saw the Suspect come home and when the Suspect saw the lock on the gate, he (Suspect) broke the lock, using his bare hands. [redacted] told them an argument ensued and Suspect Herod threatened him, saying, "I'm going to kill you."

Deputy Roseborough said, "in our minds, we knew what we had." She said the six of them (deputies) briefly talked about the situation and they were going to contact Suspect Herod to arrest him if warranted. She said they did not plan or designate who would use OC spray, Taser, etc, but only how they were going to contact the Suspect and arrest him. She said based on what [redacted] told her, she believed Suspect Herod had violated 422 P.C. She said there was no conversation about waiting for a Sergeant to respond to the call.

Deputy Roseborough said they walked to the back house. She said she knocked on the front door and the door opened. She said the door opened out toward her and she stopped the door's movement. She further opened the door and saw Suspect Herod standing in a small livingroom. She described the Suspect as six feet tall weighing 230 pounds, with a huge stomach. She asked Suspect Herod, "Sir, can you just step out? We need to talk to you for a second." Suspect Herod asked them what they were doing at his house. Again, Deputy Roseborough asked him to step outside to talk to them. She said Suspect Herod stepped back and said, "No" and "If you want to talk to me, you're going to have to come in and get me." She said Deputy Gathright was to her left and she saw Suspect Herod take another step back. She said Suspect Herod took a "fighting stance" and was standing in front of a couch. She said there was a small table between them and Suspect Herod.

IAB Note: See Exhibit "C" for a photograph of the livingroom.

Deputy Roseborough said she and Deputy Gathright entered the room and again she asked Suspect Herod if they could talk to him. Suspect Herod was not compliant and she took a step closer to him. She said she took a hold of his left wrist to gain control of him. Suspect Herod pulled his left wrist from her grasp and stepped back a way from her. She said all the other deputies entered the room and she saw [redacted] in the kitchen. She said Suspect Herod took a step toward her and they were giving him orders to comply with them. The Suspect was not complying with their verbal orders.

Deputy Roseborough said she tried to grab Suspect Herod's wrist again, but he was swinging his arms about. Deputy Gathright was now behind her and he sprayed Suspect Herod's face with OC spray. Deputy Roseborough said she saw the OC spray hit the Suspect's face, but it had no effect. She said the Suspect had no reaction and did not say anything. Deputies Gathright, Wengert, and Covian then took Suspect Herod, face down, to the floor. She said Deputy De La Riva was standing at the front

door and she heard him broadcast deputies were in a fight. She said Deputy Wengert had a hold of the Suspect's right arm as they took him down to the floor.

Deputy Roseborough said Suspect Herod continued to resist while he was on the floor. She said Suspect Herod was kicking his legs, swinging and placing his arms under his chest. Deputy Gathright was on the Suspect's left side and trying to control his left arm, Deputy Covian was on his right side, and she took a position at his feet. She said the Suspect was kicking his feet as she tried to control them. She said she saw the Suspect push himself up, lifting his body off the floor. She said the OC spray did not effect the Suspect and their attempts to control his arms and feet were not working. At this time, Deputy Roseborough said she asked Deputy Reedy for a Taser and she saw Deputy Wengert was on top of the Suspect's back.

Deputy Roseborough said she believed Deputy Reedy left the room and returned with the Taser. She said she took control of the Taser and announced she was going to deploy it. Suspect Herod was still fighting with the deputies and Deputy Wengert was still on the Suspect's back. She said she fired the Taser and saw both probes enter the Suspect's right buttocks area. She said she activated the Taser for one five second cycle, but it had no effect on the Suspect. She told the Suspect, "Stop fighting or your going to hit again."

Deputy Roseborough said she saw the Suspect was still fighting with the deputies. She asked, "does anybody have him handcuffed yet?" She heard a reply "No" and she was yelling out commands, "Stop fighting, stop fighting." Deputy Roseborough said she cycled the Taser once more for five seconds. She said shortly after that, the Suspect "gave up" and was handcuffed. She said deputies had to use three pairs of handcuffs because the Suspect was a large person and not flexible. She stated the Suspect was a very strong person.

Deputy Roseborough said she heard Deputy Covian broadcast they were code-4 with the Suspect in custody. She said she saw the Suspect's face turning a red-purple color. She said someone requested "rescue" to respond to their location and she saw Deputies Wengert and Gathright assessing the Suspect's condition and checking for a pulse. She said she heard the Suspect coughing with a "gag reflex" as he was trying to breath. She said they could not detect a pulse and the Suspect's breathing was labored. She said she saw Deputies Wengert and Gathright perform CPR on the Suspect. She said paramedics arrived and Deputy Wengert helped them carry the Suspect outside. She saw the paramedics assess the Suspect. She saw the Suspect was unconscious, but breathing.

Deputy Roseborough said Deputy Jonathan Lested responded to the location and escorted the Suspect to Huntington Memorial Hospital.

IAB Note: See Exhibit "B" for a copy of Deputy Roseborough's documentation she was [redacted].

IAB Note: For further information, refer to Deputy Roseborough's IAB verbatim transcript.

IAB Note: See Exhibit "A" for the first report authored by Deputy Roseborough.

GATHRIGHT, Demetrius

Deputy Gathright was interviewed on Monday, May 19, 2008, at approximately 2012 hours by Internal Affairs Bureau Sergeants David Bly and Carlos Flores at Altadena Station. The interview was tape recorded. The following is a summary of that interview.

Deputy Gathright said he and his partner, Deputy Covian (unit 73) responded to the location to back up unit 71A on a 415 family call. He said they assigned themselves to the call. He said they, along with, Deputies Roseborough, Wengert, De La Riva, and Reedy contacted [redacted]. He said Deputy Roseborough was talking to [redacted] and he did not hear all the conversation. He described [redacted] as a very frail man in his eighties, about five feet six inches tall, weighing between 60 and 100 pounds with bad knees.

Deputy Gathright said he heard [redacted] say he had constant problems with Suspect Herod and there was a problem with the gate. He said he heard [redacted] say he believed there were no weapons in the house, but heard [redacted] say Suspect Herod had threatened to kill him and the Suspect pulled on the gate, breaking the lock. He said after Deputy Roseborough talked to [redacted], they all (deputies) talked about contacting the Suspect as they walked to the rear house. He said they did not discuss a specific plan or have specific assignments. Deputy Gathright said based on what the call stated, coupled with what [redacted] told them, he knew, in his mind, why they were contacting Suspect Herod. He said they were contacting the Suspect regarding a criminal threat.

Deputy Gathright said they walked to the rear house, where he and Deputy Roseborough approached the front door. He said Deputy Roseborough knocked on the front door and Suspect Herod opened it. He said Suspect Herod said, "What the fuck you guys doing here." Deputy Roseborough asked Suspect Herod to come outside so they could talk to him. He said Suspect Herod said, Fuck that, I'm not coming outside, you come in and get me." He said, "he actually allowed us to go in." Deputy Gathright said Suspect Herod had his fist clinched, with his right leg slightly behind his left leg.

Deputy Gathright said, "that's a fight stance." He saw Suspect Herod backing a way from them. He said he and Deputy Roseborough entered the house and the Suspect was still in a fighting stance. He said Suspect Herod was cussing at them and asking "what do you guys want?" as he raised his fists. He said Suspect Herod jumped onto the couch.

Deputy Gathright said he attempted to grab a hold of the Suspect's left wrist twice, but Suspect Herod pulled a way. He said he and Deputies Covian, Wengert, and Roseborough attempted to take Suspect Herod down to the floor. He said he retrieved his OC canister from his holster and told the Suspect, "I'm going to spray you, I'm going to spray you. Stop fighting, stop resisting." Deputy Gathright said he deployed OC spray at Suspect Herod, hitting him with a two to five second burst . He said, " It had no effect, he kept fighting." He said he and Deputies Covian, Wengert, and Roseborough took Suspect Herod to the ground

Deputy Gathright said he heard someone broadcast deputies were in a fight. He said Suspect Herod fell to the ground and he was trying to control his left arm. He heard Suspect Herod say, "Get off me, get off me." He saw Deputy Wengert on top of the Suspect and he heard the Taser cycle once only. He said he was trying to place handcuffs on the Suspect. He said he cuffed his left wrist and someone passed another set of handcuffs to him, which he also placed on Suspect Herod's left wrist. Deputy Gathright said using an additional set of cuffs, they subsequently completed handcuffing Suspect Herod. He said he heard Deputy Wengert say, "He's out, he's out."

Deputy Gathright said he did not see Deputy Wengert applying the Carotid Restraint on the Suspect, but learned after the fight it was deployed. He said he did not see who Tased Suspect Herod, but believed it was Deputy Roseborough. Deputy Gathright said he did not see Deputies De La Riva or Reedy use any force.

Deputy Gathright said he noticed Suspect Herod's face and body was turning blue and he heard some request 902R. He said he and Deputy Wengert checked his breathing and pulse. He said he could not feel a pulse. He saw foam coming out from Suspect Herod's mouth and he was making a "gargling" sound. Deputy Gathright said Suspect Herod's breathing was sporadic, where he breathed and then stopped breathing and he was not sure if Suspect Herod was breathing at all. He said he and Deputy Wengert preformed CPR on the Suspect. He said they performed the breathing and compression cycles twice before paramedics arrived and took over. He said he helped paramedics carry Suspect Herod out of the small living room to in front of the house.

IAB Note: For further information, refer to Deputy Gathright's IAB verbatim transcript.

IAB Note: See Exhibit "A" for a supplemental report authored by Deputy Gathright.

WENGERT, Scott

Deputy Wengert was interviewed on Monday, May 19, 2008, at approximately 1917 hours by Internal Affairs Bureau Sergeants David Bly and Carlos Flores at Altadena Station. The interview was tape recorded. The following is a summary of that interview.

Deputy Wengert said he was working unit 71A with his partner, Deputy Roseborough, when they received a priority 415 Family call at [redacted] East Las Flores Drive where the informant [redacted] stated his son (Suspect Herod) was threatening and harassing him and his wife. He said they arrived at the location and he and Deputy Roseborough, along with other deputies, contacted [redacted]. He said [redacted] told them Suspect Herod used his hands to break the lock off the gate leading to the rear house where the Suspect resides. [redacted] told them that he contacted the Suspect regarding the lock and they engaged in a verbal argument. [redacted] said he told Suspect Herod he was going to the Sheriff's Station. Deputy Wengert said [redacted] told them Suspect Herod threatened to kill him. [redacted] said the Suspect was alone in the rear house.

Deputy Wengert said [redacted] told them his wife had some type of health problems and he was concerned if Suspect Herod contacted his wife, he (Suspect Herod) would complicate his wife's health problem and jeopardize her safety. Deputy Wengert described [redacted] as an older frail man in his eighties, who walks bent over with bad knees.

IAB Note: Deputy Wengert is a newly assigned deputy to Altadena Station and he said he did not know all the names of the deputies that were present during the incident.

Deputy Wengert said he and Deputies Roseborough and Gathright, along with other deputies, walked to the rear house to contact the Suspect. He said we "grouped up" and talked about contacting the Suspect. He said "he knew" they were going to contact and arrest Suspect Herod for criminal threats. He said, "I don't know if we talked about it actually, I can't say that. I believe immediately that we were going to arrest him for terrorist threats to his father." Deputy Wengert said he does not remember if they planned their approach and contact with the Suspect. Deputy Wengert said he was not given a specific task, but he stated, "I was clear, I was going to contact the person and arrest him."

Deputy Wengert said they approached the rear house where there was a door leading to a porch area and to the front door. He said Deputy Roseborough went through the porch and knocked on the front door as he walked down the west side of the house to observe windows and the rear of the location. He saw the front door open out to Deputy Roseborough and he heard conversation between the Suspect and deputies. He said he does not remember what the conversation was about, but he made his way back to the front door. As he approached the front door he said he saw Deputy Roseborough and another deputy entering the house. He said he followed them inside and he saw the Suspect. Deputy Wengert described the Suspect Herod as six feet tall weighing 250 pounds.

Deputy Wengert said Suspect Herod was in a combative stance, standing in front of a couch. He said Suspect Herod lowered his center of gravity and body, with his left foot forward and his hands were in front of him, above his waist. Deputy Wengert said he thought Suspect Herod was going to swing at one of the deputies. He said, "I thought at that point that we were going to immediately get into a fight." He said he heard deputies telling Suspect Herod to calm down and to put his hands behind his back. He heard Suspect Herod say, "Come get me."

Deputy Wengert said a deputy tried to grab Suspect Herod's left arm and the Suspect stepped back, moving to on top of the couch. He said Suspect Herod was "throwing his arms around" and "throwing" deputies "off him." Deputy Wengert said he saw someone else ([redacted]) to his right. He heard deputies telling Suspect Herod to "stop fighting" and to "stop resisting", but the Suspect did not comply. He heard a deputy yell, "Put out radio traffic" but, he said he did not remember hearing any radio transmissions.

Deputy Herod said as the Suspect was pushing deputies off him and pushing back with his arms, he made his way to the rear-right side of the Suspect while he was still standing on the couch. He said, "everything was going really quickly." He said he grabbed both sides of the Suspect's shirt from the rear. As other deputies were still trying to control the Suspect's arms, he heard someone say, "Spray" indicating the Suspect was going to be sprayed with OC. Deputy Wengert said OC was deployed for a three second burst and it hit the Suspect. He said OC spray also hit his face and he immediately felt the effects of the spray. Deputy Wengert said he, Deputy Roseborough, and three other male deputies were struggling with the Suspect. He said they were pushing on the Suspect and they took him to the ground. He said the Suspect was face down on the floor and he was to his right and on top of the Suspect. He said his head was next to the Suspect's head.

Deputy Wengert said the OC spray appeared to have no effect on the Suspect. Suspect Herod continued to fight and resist. He said the Suspect struggled and he heard deputies ordering the Suspect to stop fighting and to place his hands behind his back. He said he was trying to gain control of the Suspect's arms. Deputy Wengert said he punched the Suspect with his left fist once, striking him on the rib area under

the his right arm. At the same time another deputy was trying to pull the Suspect's arms behind his back, Deputy Wengert said they were not successful in controlling his arm. He said Suspect Herod was strong and at one point, Suspect Herod pushed off the floor with his arms, lifting himself and him (Deputy Wengert) up off the floor. He said he could feel Suspect Herod kicking his feet about.

Deputy Wengert said he was still on top of the Suspect and deputies had a hold of each of his hands, but they were not able to bring them behind his back. He said he heard someone yell, "Taser" and heard the Taser activate twice. He said the Taser did not have any effect. He did not feel the Taser activate and he did not see who activated it. Suspect Herod continued to struggle.

Deputy Wengert said because the Taser and OC spray had no effect on the Suspect, coupled with the Suspect still struggling, he decided to use a carotid restraint technique to subdue the Suspect. He said his left arm was around the Suspect and he moved it into position to apply the carotid restraint. With the support of his right hand to his left hand, he applied the technique , but it was not successful. He said the Suspect continued to struggle, kicking his feet about. Deputy Wengert said he switched his left arm with his right arm. Deputy Wengert said, He said, "I was able to get the side of my forearm to the left side, the left carotid artery of the Suspect's neck. The right side was against my biceps and I wasn't able to get my left hand behind the Suspect's head, but I reached my patch. I was holding on to my shirt, my patch, with my right hand. And then my left hand, I just used as support up against the outside of my right wrist." He said he applied the carotid restraint a second time for approximately ten seconds, making sure he kept clear of the Suspect's throat, allowing him to breath. He said his head was next to the Suspect's head and he had a clear view of the carotid restraint technique he was applying.

Deputy Wengert said he felt the Suspect go limp and other deputies handcuffed him. Deputy Wengert said he rolled the Suspect onto his left side to monitor his breathing. He said he checked the Suspect for a pulse and heard a "gurgling sound" as he exhaled. He said he was having trouble seeing because of the OC spray and could not see the Suspect's chest rise or exhale. He said he felt a pulse on the Suspect's neck and the Suspect continued to make a gurgling sound as he exhaled.

Deputy Wengert said Deputy Gathright also checked the Suspect on his wrist and neck for a pulse. He said he continued to monitor Suspect Herod for an additional 12-20 seconds. He said he thought the Suspect was still unconscious from the carotid restraint technique. He said they checked the Suspect's for a pulse again and they did not one nor did they see the Suspect breathing.

Deputy Wengert said he and Deputy Gathright preformed CPR on the Suspect. He said he performed thirty compressions on the Suspect as Deputy Gathright gave two breaths. He said they did another cycle of thirty compressions and two breaths when

paramedics arrived and took over.

IAB Note: For further information, refer to Deputy Wengert's IAB verbatim transcript.

IAB Note: See Exhibit "A" for a supplemental report authored by Deputy Wengert.

COVIAN, Alejandro

Deputy Covian was interviewed on Monday, May 19, 2008, at approximately 2038 hours by Internal Affairs Bureau Sergeants David Bly and Carlos Flores at Altadena Station. The interview was tape recorded. The following is a summary of that interview.

Deputy Covian said he was working unit 73 with his partner, Deputy Gathright, they responded to a priority 415 Family call at [redacted] East Las Flores Drive where the [redacted] stated Suspect Herod was threatening and harassing him and his wife. He said when they arrived at the location they contacted [redacted]. [redacted] told him he was having problems with Suspect Herod and the Suspect was acting belligerent. [redacted] said he did not want the Suspect to park in the driveway any longer and Suspect Herod became angry. [redacted] said the Suspect broke off a padlock from the locked gate leading to the driveway with his bare hands. He said a verbal argument ensued between [redacted] and the Suspect. [redacted] told the Suspect he was going to the Sheriff's Department and the Suspect then threatened to kill [redacted]. Deputy Covian said [redacted] stated he was afraid of the Suspect. [redacted] said, "Im just an old man, I can't do anything, he's a big guy, he could really hurt me."

Deputy Covian said deputies Roseborough, Wengert, De La Riva, and Reedy also responded to the location. He said they decided to contact the Suspect. He said they did not coordinate their approach to the rear house or their contact with the Suspect. However, as they all walked toward the rear house, Deputy Covian said he and Deputy Roseborough directed the other deputies "you take the left, you take the right", "watch yourself", and to "look for weapons." He said there is always safety concerns in disturbance calls, but he said he was not thinking this situation would turn into a fight.

Deputy Covian said he was behind Deputies Roseborough and Wengert when they knocked on the front door. He said the door opened and Deputy Roseborough said "hello sir" and asked the Suspect to step outside. He said the Suspect said, "Fuck you, I ain't stepping out." The Suspect formed his hands into a fist and took a step back into a "boxing stance." Deputy Covian said the Suspect said, "Fuck you, you come and get me." He said they entered the house and Deputy Roseborough told the Suspect to put his hands down and to turn around. The Suspect continued saying, "fuck you" and "I ain't doing shit." The Suspect took a step back and continued to use profanity asking

the deputies what they wanted and refusing to comply with their orders, saying, "get the fuck out of here" and "I ain't doing shit." He said Deputy Roseborough asked the Suspect again to turn around, however, the Suspect refused and Deputy Roseborough attempted to grab a hold of one of his arms. The Suspect started swinging his arms about as he backed away from the deputies. Deputy Covian said the Suspect was flaying his arms around pushing Deputy Roseborough back.

Deputy Covian said he is shorter than the other deputies and had trouble seeing the Suspect at this point. He said deputies were advancing on the Suspect and he could see the Suspect pushing back. He said the Suspect moved backward and stepped on top of a couch. He said he moved up on the couch to the Suspect's right side and was pushing on him to make him loose his balance. Deputy Covian said an unknown deputy deployed OC spray and the OC struck him in his face. He said he does not know who deployed it and did not hear any announcements that it was being deployed. He said he does not know if the OC spray made contact with the Suspect. He said he was trying to control the Suspect's right arm as the Suspect was swinging and pushing back at the deputies. Deputy Covian said the Suspect swung his right arm upward hitting his body, causing him to loose his balance and step off the couch.

Deputy Covian said he stepped back onto the couch and used his body weight to push the Suspect down off the couch so they could all take him down to the floor. He said the Suspect started moving off the couch and the other deputies were taking him down to the floor. He said he lost his balance and did not follow the Suspect to the floor. He said the Suspect came to rest face down on the floor. Deputy Covian said he stepped off the couch and took a position to the Suspect's right side where he attempted to control his left arm. He said he was not sure what each deputy did while attempting to control the Suspect, but he saw Deputy Roseborough trying to control the Suspect's legs. He said another deputy was on top of the Suspect trying to hold him down.

Deputy Covian said he ordered the Suspect to place his arms behind his back, but the Suspect continued to fight and was trying to break his arms free. He said the Suspect did break his arms free and started to push himself up from the floor with a deputy on his back. Deputies pushed the Suspect back onto the ground and the Suspect started to "butt" his head to the rear. Deputy Covian said he believed the Suspect was trying to hit the deputy who was on his back with his head. He said he was attempting to control the Suspect's left arm, but the Suspect broke free and grabbed a hold of his hand. He said he pulled his hand back and grabbed a hold of the Suspect's left arm. The Suspect was pushing up and kicking his legs. Deputy Covian said he could feel the Suspect's legs kicking.

Deputy Covian said at this time, he heard Deputy Roseborough announce, "Taser, Taser being deployed" and he heard the Taser cycling. He said he did not see the Taser being deployed, but heard it cycling. He said the Taser had no effect on the Suspect and the Suspect was still pushing off the floor and struggling. He said he

heard again, "Taser, Taser watch out guys, the Taser." The Taser cycled again. He said the Suspect tried to push himself up one more time, but he failed. Deputy Covian said he felt the Suspect weaken and he took control of the Suspect's left arm, placing it behind his back. He said he heard the Suspect say something like, "alright." He said the Suspect was complying and they placed handcuffs on the Suspect. He said they rolled the Suspect onto his left side. He said he transmitted Code-4 over the radio and requested the field sergeant to continue his response to their location.

Deputy Covian said he heard an unknown deputy say, "Hey, check his breathing." He said he saw the Suspect breathing erratically. He said he saw the Suspect breath in, hold it, and then a short exhale, and then breath in again. He said Deputies Gathright and Wengert re-assessed the Suspect, checking his pulse and breathing. Deputies Gathright and Wengert decided to perform CPR on the Suspect. Deputy Covian said he did not see the Suspect's skin tone change color.

Deputy Covian said they did not discuss or assume they were going to arrest the Suspect prior to contacting him, but after what [redacted] told them and the Suspect's demeanor at the front door, he knew they were going to take him into custody. He said he did not know the carotid restraint technique was applied until after the Suspect was in custody.

IAB Note: For further information, refer to Deputy Covian's IAB verbatim transcript.

IAB Note: See Exhibit "A" for a supplemental report authored by Deputy Covian.

DE LA RIVA, Marcos

Deputy De La Riva was interviewed on Monday, May 19, 2008, at approximately 2100 hours by Internal Affairs Bureau Sergeants David Bly and Carlos Flores at Altadena Station. The interview was tape recorded. The following is a summary of that interview.

Deputy De La Riva said they (he and his partner, Deputy Reedy) responded to the call to assist the other deputies. He said he saw Deputies Roseborough, Gathright, Covian, and Wengert talking to [redacted] but did not hear their conversation. He said Deputy Covian related what [redacted] told them. Deputy Covian told him the Suspect was acting belligerent, broke a lock on a gate and threatened to "kick his Dad's ass." Additionally, the Suspect threatened to kill [redacted] if he reported his behavior to the police. Deputy Covian also told him the Suspect lived in the rear house.

Deputy De La Riva said he followed the deputies to the rear house where Deputy Roseborough knocked on the front door. Deputy Roseborough asked the Suspect to

exit the house. Deputy De La Riva said he heard the Suspect say, "F-U, you guys can come inside instead." He said the deputies entered the house and he was the last or second to last deputy to enter the house. As he approached the front door, he said he heard an unknown deputy asking the Suspect to move. He heard a deputy say, "Can you step over here" and he heard the Suspect respond, "No, fuck you guys. You guys are going to come over here." Deputy De La Riva said he could not see the Suspect because the room was small and he was behind the other deputies, but at this time he could hear a "scuffle" as he entered the house.

Deputy De La Riva said as he entered the house he saw deputies were in a fight with the Suspect. He said he broadcasted they location and deputies were involved in a fight. At this time he said the Suspect and Deputies fell to the floor. He said he was not focused on the deputies were doing, but he was focused on the Suspect's hands. He said the Suspect was face down on the floor and the Suspect continued to move his hands under his body to his chest and waistband area. Deputy De La Riva said he did not know if the Suspect was searched for weapons or if the Suspect had any weapons concealed on his body. He said he reached down and tried control the Suspect's left arm, but the Suspect continued to struggle. Deputy De La Riva said he did not see OC spray deploy, but could he smell it and his eyes were starting to burn. He said he heard an unknown deputy ordering the Suspect to stop fighting. He said the Suspect was very strong and was attempting to throw deputies off him, even though he was face down on the floor.

Deputy De La Riva said he heard "Someone yell for the Taser" and he heard the Taser cycling. He said the Suspect continued to fight and he heard the Taser cycle a second time. The Suspect still continued to fight. Deputy De La Riva said at this time he was able to raise the Suspect's left arm high enough for Deputy Gathright to place a handcuff on his wrist. He said he still could not maneuver the Suspect's arm across his back so they could complete the handcuffing procedure. Deputy De La Riva said he could see Deputy Wengert on the Suspect's back, applying the carotid restraint technique. He said Deputy Gathright produced a second set of handcuffs. He said he was not sure if it was a result of the Taser, OC spray, the carotid technique, or if the Suspect just gave up, but they were able to "double" handcuff the Suspect and take him into custody. He said the Suspect was rolled over to his side. Deputy De La Riva estimated the time they struggled with the Suspect to be approximately five minutes.

Deputy De La Riva said he saw the Suspect breathing, but the Suspect's skin was turning a purplish color. He said a deputy checked the Suspect's pulse and breathing. He said he saw Deputy Gathright with the Suspect and he (Deputy De La Riva) told him he had to tilt the Suspect's head back and raise his chin. However, Deputy De La Riva said he did not see who performed CPR because he left the house to direct paramedics to the rear house.

Deputy De La Riva said he did not see [redacted] inside the house, but he did see him exit the house after the incident was over.

IAB Note: For further information, refer to Deputy De La Riva's IAB verbatim transcript.

IAB Note: See Exhibit "A" for a supplemental report authored by Deputy De La Riva.

WITNESSES STATEMENTS

Sworn Witnesses

REEDY, Stacie

Deputy Reedy was interviewed on Monday, May 19, 2008, at approximately 2111 hours by Internal Affairs Bureau Sergeants David Bly and Carlos Flores at Altadena Station. The interview was tape recorded. The following is a summary of that interview.

Deputy Reedy said she was working unit 71 with Deputy De La Riva when they responded to the location as an assisting unit on a disturbance call. She said Deputies Roseborough, Gathright, Covian, and Wengert were already at the location, talking to [redacted] She did not hear their conversation and the only information she had about the Suspect was stated in the call. She saw the deputies start walking up the driveway toward the rear house and she followed them to an enclosed patio.

Deputy Reedy heard Deputy Roseborough yell for the Suspect to open the door and step outside. She saw Deputy Roseborough open the patio door and they saw the door leading to inside the house. Deputies approached the door. Deputy Roseborough was at the front door as it started to open out toward her. Deputy Reedy said Deputy Roseborough stopped the door from opening further upon her with her flashlight. Deputy Roseborough then controlled the door and open the door out completely.

Deputy Reedy said the Suspect was inside the front room and Deputy Roseborough asked him to step outside. Deputy Reedy said the Suspect responded saying, "Fuck you, if you want me you're going to have to come in and get me." She said Deputies Roseborough, Gathright, and Wengert entered the house and she followed them. She said the Suspect was standing between a coffee table and a couch. She said the Suspect was using profanity and had his hands clenched, standing in a "combative stance."

Deputy Reedy said Deputy Roseborough told the Suspect to put his hands behind his back. Deputy Wengert motioned to the Suspect to turn around. The Suspect refused, pulled back, and started swinging his arms. She said she was not sure what deputies

were trying to grab a hold of the Suspect, but did see Deputy Wengert had a hold of one of his arms. She said she, the deputies, and the Suspect all ended up on the couch. She said Deputy Roseborough "asked for a Taser." She said she went back to her patrol car and retrieved a Taser.

Deputy Reedy reentered the house and gave Deputy Roseborough the Taser. She said she could smell OC spray in the air. She saw the Suspect lying face down on the floor and deputies trying to control him. She said the Suspect was "still combative" and Deputy Wengert was on top of the Suspect. She said Deputy Covian was on the Suspect's right side, Deputy Roseborough was at his feet, and Deputy De La Riva holding him down by pushing down on his back with his hands. She said deputies were trying to handcuff the Suspect and she was pushing down on the Suspect's back with her left hand as she retrieved her handcuffs with her right hand.

Deputy Reedy said she did not see Deputy Roseborough deploy the Taser, but heard it activating. She said the Taser had no effect on the Suspect. She said she heard Deputy Roseborough warn the Suspect she would deploy the Taser a second time. She heard Deputy Roseborough say, "Stop fighting, put your hands behind your back." She heard the Taser activate again.

She said she did not see Deputy Wengert applying the carotid restraint, but after the second Taser burst, she heard Deputy Wengert say, "I think he's out, I think he's out." She said the Suspect was handcuffed utilizing two handcuffs. She said the Suspect was rolled onto his left side.

Deputy Reedy said they checked Suspect for a pulse and they could not find one. She said the Suspect would inhale, but it looked as if he did not exhale at the same time she heard a gurgling noise. She said the Suspect was placed on his back and Deputies Wengert and Gathright started CPR. Deputy Wengert applied compressions and Deputy Gathright did rescue breathing. She said paramedics arrived and the Suspect was transported to Huntington Memorial Hospital.

IAB Note: For further information, refer to Deputy De La Reedy's IAB verbatim transcript.

IAB Note: See Exhibit "A" for a supplemental report authored by Deputy Reedy.

Civilian Witnesses

[redacted]

[redacted] was interviewed on 05/19/2008, at approximately 1722 hours by Internal Affairs Bureau Sergeants David Bly and Carlos Flores at [redacted] East Los Flores Road,

Altadena. The interview was tape recorded for review. [redacted] was also interviewed by Sergeant Fenn in the field on 05/19/08 prior to Sergeants Bly and Flores arrival. The following is a summary of both interviews.

IAB Note: See Exhibit "D" for a DVD copy of [redacted] field interview for further information.

[redacted] said he owns both houses on the property and his son, Suspect Herod, lives in the rear house with his [redacted], [redacted]. He said the Suspect has been upset with him for the past two days because [redacted] told several underage girls (teenagers), who were visiting the Suspect, to leave the property and not to return. He also said he has had problems with the Suspect for approximately six months concerning his demeanor and reckless driving on the driveway. The driveway leads to the small rear house from the street. He had previously told the Suspect he did not want him parking his vehicle on the driveway because he drove too fast and he blocked him in, preventing the use and access of the driveway. He said Suspect Herod had cursed at him regarding the restricted use of the driveway. He said the Suspect is a large young man who would tower over him and yell at him in his face. He said the Suspect would be in his face and flex his muscles. [redacted] said he was in fear of the Suspect because he is old and frail and had recently been released from the hospital. He said Suspect Herod has never hit him, but he could no longer judge his behavior and the Suspect could go off at anytime. He said he filed elder abuse reports several months ago, alleging Suspect Herod was abusing him.

IAB Note: See Exhibit "E" for copies of two of Reports of Suspected Dependent Adult/Elder Abuse reported to the Department of Adult Protective Services on 11/11/07 and 03/22/08 by [redacted]. [redacted] stated Suspect Herod was verbally, mentally, and financially abusing him. On both occasions, deputies responded and [redacted] stated Suspect Herod is only verbally abusive.

[redacted] said on 05/18/08, while the Suspect was away from the house, he closed and locked the gate at the entrance of the driveway. He said he used a padlock and chain to secure the gate. He said early today, 05/19/08, at approximately 0730 hours, he was inside home when the Suspect returned home.

[redacted] said he was looking out from the front living room window as Suspect Herod approached the locked gate. He said he saw the Suspect twist and break the lock from the gate using his bare hands. [redacted] said Suspect Herod currently uses medication to build his muscles and works out with weights.

IAB Note; See Exhibit "C" for pictures of the gate and broken lock.

[redacted] confronted the Suspect about the broken lock and Suspect Herod again towered over him and was yelling "fuck you" at him. He said the Suspect was upset and had a "fire in his eyes" and thought he could be under the influence of an unknown drug. [redacted] said he was shaking and told the Suspect he could not defend himself, but had "people" who would (meaning the police). He told the Suspect he was going to contact the Sheriff's Department. [redacted] said he was concerned for his and his wife's safety. [redacted] said his wife is also old and frail and was recently released from the hospital regarding a heart condition. He said his wife requires rest and can not be agitated. He said recently he was carrying a metal pipe with him to defend himself in case the Suspect used force on him or his wife.

IAB Note: See Exhibit "C" for a picture of the metal pipe. The pipe is approximately a half inch in diameter and 24 inches long.

[redacted] said he drove to the (Altadena) Sheriff's Station and requested help. He told personnel at the station he was afraid the Suspect might hurt him. He said he requested law enforcement help because he did not want a "Marvin Gaye" situation at his house. He said he did not want to be forced into situation where he might have to kill Suspect Herod.

IAB Note: Marvin Gaye's father shot and killed him in 1984 because of Marvin's verbal and physical abuse.

[redacted] said he met deputies at his house and told them about the gate and he was afraid the Suspect might hurt him and his wife. [redacted] said he saw deputies approach the rear house and knock on the door. He said he could not see what was happening but heard a deputy ask the Suspect to step outside. He heard the Suspect say, "I'm not going no where." He said he then entered his house and did not see what happened inside the Suspect's house.

[redacted]

[redacted] was interviewed on 05/19/2008, at approximately 1525 hours by Altadena Sergeant Jeff Fenn at [redacted] East Los Flores Road, Altadena. The interview was video tape recorded. The following is a summary of that interview.

[redacted] He said he was seated at the computer desk located near the kitchen when deputies contacted the Suspect. He said the deputies came inside the house and told the Suspect he would have to go with them. He said the Suspect was standing by the couch and said, "I'm not going any

where with you guys." [redacted] said the deputies "came inside" and rushed the Suspect. The Suspect resisted and pushed the deputies off him. He said the deputies put the Suspect on the ground, Tased him, and then sprayed him with OC.

[redacted] said the Suspect is not a violent person, but sometimes does have problems with his grandfather ([redacted]).

IAB Note: See Exhibit "A" for a copy of Suspect Herod's criminal history where it is noted he was [redacted] was not the victim in that case.

IAB Note: See Exhibit "D" for a DVD copy of [redacted] interview.

Suspect STATEMENTS

HEROD, Crisantos

Crisantos Herod was interviewed on 05/19/2008, at approximately 2315 hours by Internal Affairs Bureau Sergeants David Bly and Carlos Flores at Crescenta Valley Station. The interview was tape recorded. The following is a summary of that interview.

Suspect Herod said earlier today after returning home from the 24 Hour Fitness Gym, he saw his father [redacted] parked in front of the driveway gate. He said [redacted] was working on the car. [redacted] started to "taunt" him as he walked passed him to the rear house. He said he (Suspect) suffers from Hypertropic Cardiomyopathy (an enlarged heart with low blood pressure). He said, later he exited his house to go to the store. He said [redacted] confronted him about the lock on the gate. [redacted] was yelling at him, asking why he cut the lock off the gate. Suspect Herod said he did not know what [redacted] was talking about and he had no need to use the driveway because he parked his car on the street. He said he ignored [redacted] and returned to his house without going to the store. He saw [redacted] drive away from the location.

The Suspect first said he was in the bathroom when he heard a banging sound. He exited the bathroom to the livingroom and he saw deputies standing inside his house. He said, "What are you doing? The deputies responded saying he needed to "pack up." He said he told the deputies to leave his house, but they rushed him.

Later in the interview, Suspect Herod said deputies opened the outer door leading into a entry way patio and he opened the inner door leading to inside the house. He said the deputies did not say anything to him and did not tell him why they were there.

Suspect Herod said the deputies were excited as they gabbed his arms and "slammed" him into the wall near the couch. He said he landed on the floor and heard a deputy say "spray him, spray him" and "taser him, taser him". He said he felt a burning feeling on his face. He said a deputy "choked him out." He said he tried to tell the deputies he was "cool" and would not resist, but he could not talk. He said a black female deputy first grabbed his arm and after she did that, the other deputies were excited and joined in by also grabbing him. He said he blacked out and he later woke up in the hospital kicking.

Suspect Herod denied cursing at the deputies and said he has never cussed at [redacted]. He said elder abuse investigators had contacted him once in the past about allegations [redacted] made against him. The Suspect denied any abuse and said [redacted] "trips out" on him because of all the medication he ([redacted]) has to take.

Suspect Herod said he is not a violent person and does not drink alcohol, but did admit he smokes marijuana. However, he denied smoking marijuana earlier today. He said he has a chipped bone in his elbow, a heart condition, and his neck hurt. At this time Suspect Herod ended the interview and requested an attorney. I (Sergeant David Bly) could not further investigate or determine if the chipped bone was a prior injury.

IAB Note: I, Sergeant David Bly, observed the Suspect had his left arm in a sling and the skin around his eyes was red.

IAB Note: See Exhibit "A" for a copy of Suspect Quintero's medical report that noted he was positive for Cannabinoid (marijuana).